

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SANDRA DELL BANKS,

Plaintiff,

vs.

WASHINGTON STATE CPS and
COLORADO STATE CPS,

Defendants.

NO. CV-06-0335-JLQ

ORDER DENYING MOTION TO
RECONSIDER

BEFORE THE COURT is Plaintiff's Motion to Reconsider Council (sic)(Ct. Rec. 13) wherein the Plaintiff requests that this action be reopened and counsel be provided. In so doing, Plaintiff seeks reconsideration of the court's Order Dismissing Complaint Without Prejudice and Denying Motion for Counsel entered on January 11, 2007.

A district court may reconsider and amend a previous order under Federal Rule of Civil Procedure 59(e). However, Rule 59(e) represents an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in controlling law. *Id.* (citations and quotations omitted). Such a motion cannot be used to simply recast the issues that were presented earlier. *Id.*

Plaintiff's motion restates facts presented in the Amended Complaint (Ct. Rec. 8), which the court dismissed without prejudice, and provides support for the Motion for Counsel (Ct. Rec. 9) that the court denied as moot. Plaintiff's motion asks the court to revisit its conclusion regarding abstention without presenting new facts, new law, or a compelling reason to reconsider its judgment. As stated in the court's order dismissing

1 the complaint, Plaintiff is seeking to regain custody of her son and grandchild through
2 this action, and in the Ninth Circuit, district courts must refuse jurisdiction if the primary
3 issue concerns child custody issues. *Coats v. Woods*, 819 F.2d 236, 237 (9th Cir. 1987).
4 Accordingly, the opinion of this court is unchanged and Plaintiff's Motion to Reconsider
5 Counsel is **DENIED**. (Ct. Rec. 13).

6 **IT IS SO ORDERED.** The Clerk of this court shall enter this Order, forward a
7 copy to Plaintiff, and keep this file closed.

8 **DATED** this 26th day of January 2007.

9 s/ Justin L. Quackenbush

10 JUSTIN L. QUACKENBUSH
11 SENIOR UNITED STATES DISTRICT JUDGE
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